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REMARKS

This response is intended as a full and complete response to the final Office Action mailed on February 23, 2005. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected. By this response, claims 1, 18 and 20 have been amended and arguments refuting the Examiner's position are provided.

In view of the foregoing amendments and the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated or obvious under the provisions of 35 U.S.C. §§102 or 103. Thus, the Applicant believes that all these claims are now in allowable form.

It is to be understood that the Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to the Applicant's subject matter recited in the pending claims. Further, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

A. 35 U.S.C. §102

Claims 1-9, 11-14 and 17-20

The Examiner has rejected claims 1-9, 11-14 and 17-20 under 35 U.S.C. 102(e) as being anticipated by McGinn (United States Patent No. 5,333,192, hereinafter "McGinn"). The rejection is respectfully traversed.

The Examiner alleges that regarding claims 1, 18 and 20, McGinn discloses a transmission line tap circuit and its methods comprising all of the aspects of the Applicant's invention. The Applicant respectfully disagrees.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

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The Applicant respectfully submits that McGinn fails to teach, suggest or disclose each and every element of the Applicant's claimed invention, arranged as in the Applicant's claims. More specifically, the Applicant respectfully submits that McGinn fails to teach, disclose or suggest at least the Applicant's claim 1, which specifically recites:

1. A transmission line tap circuit comprising:
 - at least two input terminals configured for coupling to a transmission line;
 - impedance load circuitry configured to provide an impedance load to the transmission line for tapping the transmission line and receiving a transmission signal propagating there through;
 - amplifying circuitry configured to amplify the received transmission signal and directly connected to the impedance load circuitry;
 - impedance matching circuitry configured to provide an impedance match to an impedance load of at least one Line Interface Unit (LIU) and directly connected to a plurality of outputs of the amplifying circuitry; and
 - at least two output terminals configured for coupling said transmission signal to the at least one LIU and directly connected to the impedance matching circuitry

Support for the identified language may be found at least at Page 6, lines 4- 20, Page 7, lines 1-5 and by visual inspection of FIG. 1 of Applicant's specification; no new matter has been entered.

McGinn does not teach disclose or suggest the recited construction and interconnection of circuit components. Namely, McGinn does not show impedance matching circuitry directly connected to a plurality of outputs of amplifier circuitry (where such amp circuitry is directly connected to impedance load circuitry that provides an impedance load to the transmission line for tapping purposes). McGinn's amplifier outputs are as follows: amp 21 outputs to the input of amp 25,

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amp 25 outputs directly to the Tx line of the hybrid circuitry and the network 40 and amp 51 outputs to a transformer for supplying power, not a matching impedance for an interface unit. Additionally, the input of amp 51 does not have the recited direct connection to impedance load circuitry for tapping the transmission line. Note that in the Examiner's Final Office Action (Sec 1d) he has identified the amplifiers 21, 25 and 31 and attendant elements as providing the impedance matching as claimed. However, it respectfully submitted that in view of the specific interconnection of elements now claimed by the Applicant, such amplifiers in McGinn cannot be aligned or arranged to be used as both impedance matching elements and amplifying elements as arranged in the claims.

For at least the reasons presented above, it is clear that McGinn fails to teach, suggest or disclose each and every element of the Applicant's claimed invention, at least with respect to claim 1, arranged as in the Applicant's claims as required for anticipation under 35 U.S.C. §102.

Therefore, the Applicant respectfully submits that independent claim 1, as it now stands, is not anticipated by McGinn and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder.

Likewise, independent claims 18 and 20 recite similar relevant features as recited in independent claim 1. As such, and for at least the reasons stated herein, the Applicant respectfully submits that independent claims 18 and 20, as they now stand, are not anticipated by McGinn and also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims 2-17 and 19 depend, either directly or indirectly, from independent claims 1 and 18, respectively, and recite additional features therefor. As such, and for at least the reasons set forth herein, the Applicant submits that none of these claims are anticipated by the teachings of McGinn. Therefore the Applicant submits that all of these dependent claims also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder. The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

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B. 35 U.S.C. § 103

Claim 10

The Examiner has rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over McGinn in view of Henderson et al., (United States Patent 4,868,516, hereinafter "Henderson"). The rejection is respectfully traversed.

The Applicant's claim 10 depends directly from independent claim 1 and recites further limitations therefor. The Examiner applied McGinn to claim 10 as applied above in his rejection of claim 1. However, for at least the reasons presented above and as discussed above, the Applicant submits that McGinn fails to teach, suggest or disclose each and every element of the Applicant's claimed invention, at least with respect to claim 1, arranged as in the Applicant's claims.

Further, because it is necessary for McGinn to generate and process a differential signal appearing across the Ring and Tip terminals (Col. 5, lines 1-5) and switch power -V (and GRD) to a device being controlled by the interface circuit, the resultant circuit of McGinn is convoluted and employs far more circuit elements than that of the subject invention (the very same problem identified in the Background section of the subject application). Figure 2 of McGinn clearly supports this position. The present invention uses far fewer components (as per Figure 1 of the subject application and its supporting written description) to arrive at an elegant and compact solution to the identified problem. It is respectfully submitted that, McGinn, either alone or in combination with any other cited references, does not address or solve the problems in the art. Accordingly, no single reference or combination thereof teaches, discloses or suggests the subject invention.

As such, and at least because the Applicant's claim 1 is not anticipated or made obvious by McGinn, the Applicant further submits that claim 10, which depends directly from independent claim 1 and recites further limitations therefor, is also not anticipated or made obvious by McGinn. Furthermore, the Applicant submits that Henderson, also fails to teach, suggest or disclose each and every element of the Applicant's claimed invention either alone or in combination, at least

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with respect to claim 1, arranged as in the Applicant's claims. The details of such argument were previously presented and still stand in view of newly amended independent claims and arguments thereto. There is no suggestion in Henderson for modifying the line interface circuit of McGinn in an attempt to teach the invention of the Applicant, at least with respect to independent claim 1.

For prior art references to be combined to render obvious a subsequent invention under 35 U.S.C. §103, there must be something in the prior art as a whole which suggests the desirability, and thus the obviousness, of making the combination. The teachings of the references can be combined only if there is some suggestion or incentive in the prior art to do so. Moreover, the mere fact that a prior art structure could be modified to produce the claimed invention would not have made the modification obvious unless the prior art suggested the desirability of the modification. As such and at least because McGinn and Henderson, alone or in any allowable combination, fail to teach, suggest or disclose each and every aspect of the Applicant's claim 1, the Applicant further submits that claim 10, which depends directly from independent claim 1 and recites further limitations therefor, is also not anticipated or made obvious by McGinn and Henderson, alone or in any allowable combination.

Therefore, the Applicant submits that claim 10, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Claims 15 and 16

The Examiner has rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over McGinn in view of Koenig et al., (United States Patent 5,881,148, hereinafter "Koenig"). The rejection is respectfully traversed.

The Applicant's claims 15 and 16 depend directly from independent claim 1 and recite further limitations therefor. The Examiner applied McGinn to claims 15 and 16 as applied above in his rejection of claim 1. However, as discussed above, the Applicant submits that McGinn fails to teach, suggest or disclose each and every element of the Applicant's claimed invention, at least with respect to claim 1,

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arranged as in the Applicant's claims. As such, and at least because the Applicant's claim 1 is not anticipated or made obvious by McGinn, the Applicant further submits that claims 15 and 16, which depend directly from independent claim 1 and recite further limitations therefor, are also not anticipated or made obvious by McGinn.

Furthermore, the Applicant submits that Koenig also fails to teach, suggest or disclose each and every element of the Applicant's claimed invention, at least with respect to claim 1, arranged as in the Applicant's claims. The details of such argument were previously presented and still stand in view of the newly amended independent claims and arguments thereto. As such and at least because McGinn and Koenig, alone or in any allowable combination, fail to teach, suggest or disclose each and every aspect of the Applicant's claim 1, the Applicant further submits that claims 15 and 16, which depend directly from independent claim 1 and recite further limitations therefor, are also not anticipated or made obvious by McGinn and Koenig, alone or in any allowable combination.

Therefore, the Applicant submits that claims 15 and 16, as they now stand, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provision of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Consequently, the Applicant believes that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404

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so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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